

### **REMARKS/ARGUMENTS**

Claims 25-58 and 74-81 are present in this application. By this Amendment, claims 25 and 49 have been amended, claims 71-73 have been canceled, and claims 74-81 have been added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Applicant acknowledges the “Response to Arguments” in paragraphs 8-14 of the Office Action. Without conceding these contentions, independent claims 25 and 49 have been amended to more clearly distinguish the invention from the applied references. The amended claims are discussed in more detail below.

Claims 49-58 were rejected under 35 U.S.C. §112, second paragraph. Claim 49 has been amended to recite that the rim portion defines “a circumferential slot into which the top edge of a container is located when the lid and container are assembled together.” Withdrawal of the rejection is requested.

Claims 1, 27, 28, 32, 33, 43, 44, 49, 51, 52, 56 and 57 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 6,071,006 to Hochstein et al.\* This rejection is respectfully traversed.

Without conceding this rejection, claim 25 has been amended to recite that the blending element includes blades arranged for operation and positioned entirely within the outwardly convex portion of the lid. Support for this amendment can be found in the specification at, for example, page 6, lines 29-31 and Fig. 2. The claimed structure provides a far more compact construction than the prior art, having benefits in terms of storage and transport of the assembled

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\* Applicant assumes the Examiner’s reference to “claim 1” in this rejection was intended to reference claim 25.

lids (e.g., permitting nestability of the assembled lids). The structure also has benefits for the preferred inverted blending applications.

At least this structure is lacking in the Hochstein patent. The mixing blades 38 in Hochstein operate remotely from the lid (i.e., adjacent the base of the container - see Fig. 1) and not within the convex portion 34-36 of the lid. Since at least this structure is lacking in Hochstein, Applicant submits that the rejection should be withdrawn.

Independent claim 49 defines related subject matter and has been similarly amended. Applicant thus submits that the rejection of claim 49 should also be withdrawn.

With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 49-52 and 55-57 were rejected under 35 U.S.C. §102(b) over U.S. Published Patent Application No. 2002/0127307 to McGill. This rejection is respectfully traversed.

As noted, without conceding this rejection, claim 49 has been amended to recite that the blending element includes blades arranged for operation and positioned entirely within the outwardly convex portion of the lid. In contrast, the blending means in McGill has connection means at one end and a blending element 4F at the other end (i.e., at the end distal from the connection means), and it is clear that the blending element 4F does not operate within the outwardly convex portion (see Fig. 1). Rather, the blending element 4F is arranged to operate away from the body of the lid. Applicant thus submits that the rejection of claim 49 should be withdrawn.

With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. In addition, claims 50

and 55 define related features that, with the amended structure of claim 49, define further distinguishing features of the invention. That is, claim 50 recites that the outwardly convex portion is of a curvilinear dome shape and the blending means is located centrally thereof. Claim 55 recites that the lid defines an internal region in which the blending means operates, the region having curved surfaces. With the blending element including blades arranged for operation and positioned entirely within the outwardly convex portion of the lid, these additional features are also more clearly lacking in the McGill publication.

Reconsideration and withdrawal of the rejection are requested.

Claims 25, 26, 28, 30, 32-34, 43, 44, 49, 50, 52 and 54-58 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 3,635,147 to Lee. This rejection is respectfully traversed.

Without conceding this rejection, as noted above, independent claims 25 and 49 have been amended to recite that the blending element includes blades arranged for operation and positioned entirely within the outwardly convex portion of the lid. In contrast, the stirring blades 35, 37 in Lee are remote from the body of the cover 30 and consequently are neither arranged for operation nor are positioned entirely within any outward convex portion of the cover 30. Since at least this structure is lacking in the Lee patent, Applicant respectfully submits that the rejection should be withdrawn.

With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Additionally, claim 26 recites that the outwardly convex portion is of curvilinear dome shape and the blending means is located centrally thereof. Claim 50 defines similar subject matter. Claim 55 recites that the lid defines an internal region in which the blending means operates, the region having curved surfaces. With the blending element having blades arranged for operation and positioned

entirely within the outward convex portion of the lid, at least the subject matter of these dependent claims is also lacking in the Lee patent.

Reconsideration and withdrawal of the rejection are requested.

Claims 25, 27, 28, 31, 35, 36, 38-41, 43-46 and 48 were rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein. This rejection is respectfully traversed.

With reference to the discussion above concerning independent claim 25, Applicant submits that neither McGill nor Hochstein discloses or suggests the claimed structure wherein the blending element includes blades both arranged for operation and positioned entirely within the outwardly convex portion of the lid. Indeed, nothing in either cited reference even remotely suggests the desirability of such a modification. Applicant thus respectfully submits that the rejection of claim 25 is misplaced and that the rejection of the dependent claims should be withdrawn at least in view of their dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 29, 30, 50 and 53-55 were rejected under 35 U.S.C. §103(a) over McGill or McGill in view of Hochstein and U.S. Patent No. 2,858,861 to Appleton. The Appleton patent, however, does not correct the deficiencies noted above with regard to McGill or McGill in view of Hochstein. Appleton similarly lacks a blending element including blades arranged for operation and positioned entirely within an outwardly convex portion of a lid. The mixing elements in Appleton in fact are not mounted within the lid 38. Applicant thus submits that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claims 29, 50, 53 and 55 were rejected under 35 U.S.C. §103(a) over McGill or McGill in view of Hochstein and U.S. Patent No. 5,727,742 to Lawson. The Lawson patent, however,

does not correct the deficiencies noted above with regard to McGill or McGill and Hochstein. Lawson rather discloses a bottom mounted blending device. Applicant thus submits that these dependent claims are allowable at least by virtue of their dependency on an allowable independent claim.

Claims 30, 50, 54 and 55 were rejected under 35 U.S.C. §103(a) over McGill or McGill in view of Hochstein and Lee. These references are discussed above, and Applicant submits that none of the references provides any suggestion to modify McGill to correct those deficiencies noted with regard to independent claims 25 and 49. As such, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claim 34 was rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein and U.S. Patent No. 5,168,140 to Welker. The Welker patent, however, does not correct the deficiencies noted with regard to McGill and Hochstein. As such, Applicant submits that this dependent claim is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claim 37 was rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein and U.S. Patent No. 4,108,054 to Klöcker et al. The Klöcker patent, however, does not correct the deficiencies noted with regard to McGill and Hochstein. As such, Applicant submits that this dependent claim is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claims 42 and 71 were rejected under 35 U.S.C. §103(a) over McGill or McGill in view of Hochstein, U.S. Patent No. 2,068,858 to Dunkelberger and U.S. Patent No. 3,135,111 to Roe. These additional references similarly fail to correct the deficiencies noted above with regard to

McGill or McGill in view of Hochstein. As such, Applicant submits that dependent claim 42 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claims 42 and 71 were rejected under 35 U.S.C. §103(a) over McGill or McGill in view of Hochstein and International Patent Publication WO 03/002241 to Colding-Kristensen et al. The Colding-Kristensen publication, however, does not correct the deficiencies noted above with regard to independent claim 25. As such, Applicant submits that dependent claim 42 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claim 42 was rejected under 35 U.S.C. §103(a) over McGill or McGill in view of Hochstein and Lawson. With reference to the discussion above, none of these references provides any suggestion to modify the McGill publication to correct the deficiencies noted with regard to independent claim 25. As such, Applicant submits that dependent claim 42 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claim 58 was rejected under 35 U.S.C. §103(a) over McGill in view of U.S. Patent No. 3,085,281 to Massman. The Massman patent, however, does not correct the deficiencies noted above with regard to McGill. As such, Applicant submits that this dependent claim is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claims 25, 26, 28, 32, 33, 43, 45-47, 49, 50, 52, 53 and 55-57 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,363,837 to Sham et al. This rejection is respectfully traversed.

Without conceding the characterizations of the Sham patent, as noted above, independent claims 25 and 49 have been amended to recite that the blending element includes blades arranged for operation and positioned entirely within the outwardly convex portion of the lid. At least this subject matter is lacking in the Sham patent. As shown in Fig. 4 of Sham, the blending element portion 98 is arranged adjacent the lower end of the container, remote from the outwardly convex portion 4. Applicant thus submits that the rejection of independent claims 25 and 49 should be withdrawn.

With regard to the dependent claims, Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Note also reference above to the subject matter of dependent claims 26, 50, 53 and 55 as dependent on the amended subject matter.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claim 47 was rejected under 35 U.S.C. §103(a) over McGill in view of Hochstein and Sham. With reference to the comments above, however, Applicant submits that the Sham patent does not correct the deficiencies noted with regard to McGill and Hochstein. As such, Applicant submits that dependent claim 47 is allowable at least by virtue of its dependency on an allowable independent claim. Withdrawal of the rejection is requested.

Claims 74-81 have been added. Claims 74-79 are dependent claims, and Applicant submits that these claims are allowable at least by virtue of their dependency on an allowable independent claim. Claim 80 defines a container lid including, among other things, an annular lower portion which is intended to locate in the annular gap of a lid of the same kind and configuration when two or more of the lids assembled with their respective blending means are stacked one on top of another. At least this subject matter is lacking in the references of record.

Claim 81 defines a container lid where the blending element has blades configured to rest against or adjacent the upper surface of a lid of the same kind and configuration when two or more of the lids assembled with their respective blending means are stacked one on top of another. At least this subject matter is also lacking in the references of record.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to Deposit Account No. 14-1140.

Respectfully submitted,

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